REMARKS

The final Office action of 5 December 2007 (Paper No. 20071126) and the Advisory Action mailed on 24 March 2008 (Paper No. 20080317) have been carefully considered.

Claims 5, 6, 17, 19 and 27 thru 29 are being canceled without prejudice or disclaimer, and claims 1, 7 thru 11, 13, 18, 20 thru 23 and 26 are being amended. Thus, claims 1 thru 4, 7 thru 16, 18 and 20 thru 26 are pending in the application.

As explained below, the claims are being amended merely to combine claims previously present in independent and dependent form in this application. Therefore, it is submitted that the amendment of the claims does not raise "new issues" requiring further consideration and/or search by the Examiner, and thus this Amendment After Final should be entered. It should be noted that claims 27 thru 29, which were indicated in the Advisory Action to raise "new issues", are being canceled.

In paragraph 2 of the final Office action, the Examiner rejected claim 29 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claim 29 is being canceled without prejudice or disclaimer. Thus, the rejection no longer applies.

In paragraph 5 of the final Office action, the Examiner rejected claims 1 thru 29 under 35 U.S.C. §112 (second paragraph) for indefiniteness. Specifically, the Examiner states that it is not clear how "idle state" is defined for access points. In other words, the Examiner states that "it is not clear what type of access points are considered as being in idle state in the claims, and there is a lack of supportive description in the specification that would give a clear definition of the subject matter."

With respect to the Examiner's statement that it is not clear how "idle state" is defined for access points, it is submitted that one of ordinary skill in the art, upon reviewing the subject application, would realize that an access point is in an "idle state" when it is not handling any calls or transmissions. Such a definition, although not expressly stated in the specification, would be clear to one of ordinary skill in the art upon reviewing the specification in its entirety, and upon reviewing the manner in which the term "idle state" is used in both the specification and claims of the present application.

In the latter regard, a typical dictionary definition of the word "idle" is "not occupied or employed", and also "inactive" (WEBSTER'S New Collegiate Dictionary, G & C Merriam Co., 1977, page 569). Thus, the term "idle state" as used in the present application would be clearly known to persons of ordinary skill in the art in this technology.

Therefore, consistent with the points set forth in the immediately preceding paragraphs, it is submitted that one of ordinary skill in the art, upon reviewing the specification of the present application as originally filed, would realize that the term "idle state" refers to load values being below a threshold value or to an access point being inactive. This would be evident from the fact that, as recited in both the specification and claims, it is obvious that the access points having load values more than the threshold value are considered to be "active" as opposed to "idle". Therefore, for the reasons stated above, it is submitted that the rejection under 35 U.S.C. §112 (second paragraph) has been overcome, and should be withdrawn.

In paragraph 7 of the final Office action, the Examiner rejected claims 1, 13, 15 and 23 under 35 U.S.C. §102 for alleged anticipation by Eriksson *et al.*, U.S. Patent

Publication No. 2001/0012778. In paragraph 9 of the final Office action, the Examiner rejected claims 2, 14 and 24 under 35 U.S.C. §103 for alleged unpatentability over Eriksson *et al.* '778 in view of Lor *et al.*, U.S. Patent Publication No. 2004/0068668, de Seze, U.S. Patent No. 5,894,472 and Dillion, U.S. Patent No. 6,338,131. In paragraph 10 of the final Office action, the Examiner rejected claims 3, 8, 17 and 20 under 35 U.S.C. §103 for alleged unpatentability over Eriksson *et al.* '778 in view of Sato *et al.*, U.S. Patent Publication No. 2002/0128907. In paragraph 11 of the final Office action, the Examiner rejected claims 25 under 35 U.S.C. §103 for alleged unpatentability over Eriksson *et al.* '778 in view of Lor *et al.* '668, de Seze '472 and Dillion '131, and further in view of Sato *et al.* '907. In paragraph 12 of the final Office action, the Examiner rejected claims 11 under 35 U.S.C. §103 for alleged unpatentability over Eriksson *et al.* '778 in view of Christensen *et al.*, U.S. Patent No. 5,764,634. In paragraph 13 of the final Office action, the Examiner rejected claims 4, 12, 18 and 22 under 35 U.S.C. §103 for alleged unpatentability over Eriksson *et al.* '778 in view of Christensen *et al.* '634 and Merchant *et al.*, U.S. Patent No. 6,732,184. In paragraph 14 of the final Office action, the Examiner rejected claims 26 under 35 U.S.C. §103 for alleged unpatentability over Eriksson *et al.* '778 in view of Lor *et al.* '668, de Seze '472, Dillion '131, and Sato *et al.* '907, and further in view of Christensen *et al.* '634 and Merchant *et al.* '184. In paragraph 15 of the final Office action, the Examiner rejected claims 16, 27 and 29 are rejected under 35 U.S.C. §103 for alleged unpatentability over Eriksson *et al.* '778 in view of Langberg *et al.*, U.S. Patent No. 5,852,630. In paragraph 16 of the final Office action, the Examiner rejected claims 28 under 35 U.S.C. §103 for alleged unpatentability over Eriksson *et al.* '778 in view of Langberg *et al.* '630, and further in view of Lor *et al.* '668, de Seze '472 and Dillion '131. In paragraph 17 of the final Office action, the Examiner stated that claims 5, 6, 9, 10, 19 and 21 would be allowable if rewritten to overcome the 35 U.S.C. §112 rejection and if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the reasons stated

below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §102 and §103.

Independent claim 1 is being amended to include the recitation from dependent claim 5, which is being canceled. Since the Examiner indicated, in the Office action, that dependent claim 5 was merely objected to for dependency upon a rejected base claim, independent claim 1 and its associated dependent claims should now be in condition for allowance.

Independent claim 13 is being amended to include the recitations from dependent claims 17 and 19, which are being canceled. Since the Examiner indicated, in the Office action, that dependent claim 19 was merely objected to for dependency upon a rejected base claim, independent claim 13 -- which now includes the recitations from dependent claim 19 and intervening dependent claim 17 -- should be in condition for allowance.

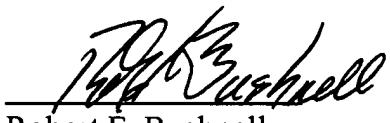
Dependent claim 21 is being amended to appear in independent form by incorporating the recitations from independent claim 13 and intervening dependent claim 18. Since the Examiner indicated, in the Office action, that dependent claim 21 was merely objected to for dependency upon a rejected base claim, amended claim 21 and its associated dependent claim should now be in condition for allowance.

Independent claim 23 is being amended to include the subject matter previously recited in dependent claim 5. Since dependent claim 5 was merely objected to for dependency upon a rejected base claim, independent claim 23 and its associated dependent claims should now be in condition for allowance.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

A Petition for a one month extension of time and an Applicant's check in the amount of $120.00 drawn to the order of Commissioner accompanies this response. Should the Petition become lost, the Commissioner is requested to treat this paragraph as a Petition for Extension of Time, and should the check become lost, or be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



Robert E. Bushnell,
Attorney for the Applicant
Registration No.: 27,774

1522 "K" Street N.W., Suite 300
Washington, D.C. 20005
(202) 408-9040

Folio: P56922
Date: 4/2/08
I.D.: REB/JGS